

Darwin E. Farrar (SBN 152735)
Chief Counsel
Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102
Tel: 415-703-1599
Email: darwin.farrar@cpuc.ca.gov

And

Alisa C. Lacey (AZ 010571) (Pro Hac Vice)
Thomas J. Salerno (AZ 007492) (Pro Hac Vice)
Anthony P. Cali (AZ 028261) (Pro Hac Vice)

Attorneys at
Stinson LLP

1850 N. Central Avenue, Suite 2100
Phoenix, Arizona 85004

Phoenix, Arizona
Tel: 602-279-1600

Fax: 602-240-6925

Email: alisa.lacey@stinson.com

Email: thomas.salerno@stinson.com

Email: anthony.cali@stinson.com

Attorneys for the Public Advocates Office

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

Chapter 11 (Lead Case) (Jointly Administered)

PG&E CORPORATION

- and -

PACIFIC GAS AND ELECTRIC COMPANY

Debtors

**THE PUBLIC ADVOCATES
OFFICE'S STATEMENT OF
POSITION OPPOSING DEBTORS'
MOTION PURSUANT TO 11 U.S.C.
§ 1121(d) TO EXTEND THE
EXCLUSIVE SOLICITATION
PERIOD [DE 4825]**

Hearing Date: December 11, 2019

Hearing Date: December 10, 2012

Objection Date: December 4, 2019

- Affects PG&E Corporation
- Affects Pacific Gas and Electric Company
- All Debtors

**All papers shall be filed in the Lead Case,
No. 19-30088 (DM)*

1 The Public Advocates Office at the California Public Utilities Commission (the
2 "CPUC") files its Statement of Position Opposing *Debtor's Motion Pursuant to 11*
3 *U.S.C. § 1121(d) To Extend The Exclusive Solicitation Period* [DE 4825] (hereafter the
4 "Motion".) The *Debtors' First Amended Plan of Reorganization* [DE 3966] (the "Plan")
5 does not comply with Public Utilities Code Section 3292 (added by AB 1054) for a
6 number of reasons, including those set forth in *The Public Advocates Office's Statement*
7 *of Position Re: Joint Motion of the Official Committee of Tort Claimants and Ad Hoc*
8 *Committee of Senior Secured Noteholders to Terminate the Debtors' Exclusive Periods*
9 [DE 4052] filed on October 1, 2019, attached hereto as Exhibit A for ease of reference.
10 To date, Debtors' have not amended the Plan to rectify any of the listed deficiencies. As
11 previously discussed in the Public Advocates Office *Statement of Position* [DE 4052],
12 the Debtors' Plan provides no assurance of ratepayer neutrality. The Plan is therefore not
13 feasible, and it will not meet the requirements for plan confirmation under 11 U.S.C.
14 § 1129. Among other issues barring confirmation, a plan that does not comply with AB
15 1054 cannot be approved by the CPUC as required by § 1129(a)(6).

16 While Debtors' do provide that the TCC and Ad Hoc Committee of Noteholders
17 may solicit their pending plan, Debtors' seek to obtain the 11 U.S.C. § 1121(d) extension
18 in order to erect a barricade to preclude any other party from being able to propose or
19 solicit support for any other competing plan of reorganization in these cases. Debtors
20 are affirmatively seeking to preclude other potentially viable options for reorganization
21 which is not in the best interests of the ratepayers. Given that the Debtors' Plan is not
22 currently confirmable, in that it does not comply with AB 1054, the Debtors' attempt to
23 have this Court use continued exclusivity to bar other potential plans that do comply with
24 AB 1054 should be denied.

25 The Public Advocates Office respectfully requests denial of the Motion.

26

27

28

Dated: December 4, 2019.

PUBLIC ADVOCATES OFFICE
Darwin E. Farrar (SBN 152735)
Chief Counsel, Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102
Tel: 415-703-1599
Email: darwin.farrar@cpuc.ca.gov;

And

STINSON LLP

/s/ *Alisa C. Lacey*

Alisa C. Lacey

Thomas J. Saleri

Anthony P. Cali
1555 15th Street, Suite 1

1850 N. Central Ave., #2100
Phoenix, AZ 85004

Phoenix, AZ 85004
Tel: 602-279-1600

Tel: 602-279-1600
Fax: 602 240 6925

Fax: 602-240-0925
Email: alisa.lacey@

Email: ansalace@

Email: thomas.salem@univie.ac.at

Email: anthony.earl.sanson.com

Attorneys for the Public Advocates C

INTRODUCTION TO THE PRACTICE OF LAW

Attorneys for the Public Advocates Office